

In accordance with notice to members of the Rhode Island Coastal Resources Management Council, a meeting was held on Tuesday, June 14, 2016 at 6:00 p.m. in Corliss Auditorium, URI Bay Campus, South Ferry Road, Narragansett, RI.

Members Present

Anne Maxwell Livingston, Chair
Paul Lemont, Vice Chair
Ron Gagnon, DEM Rep
Don Gomez
Paul Beaudette
Jerry Sahagian
Joy Montanaro
Tony Affigne

Members Excused

Raymond Coia
Mike Hudner

Staff Present

Grover J. Fugate, Executive Director
Jeffrey M. Willis, Deputy Director
Danni Goulet, Marine Infrastructure Coordinator
Tracy Silvia, Principal Environmental Scientist

Brian Goldman, Legal Counsel

1. **CALL TO ORDER**

Chair Livingston called the meeting to order at 6:00 p.m.

2. **APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

Chair Livingston called for approval of the minutes from the previous meeting.

Vice Chair Lemont motioned for the approval of the minutes from the May 24, 2016 Semimonthly meeting; seconded by Mr. Gomez. Motion carried on unanimous voice vote.

3. **SUBCOMMITTEE REPORTS**

None were heard.

4. **STAFF REPORTS**

None were heard

5. **APPLICATIONS BEFORE THE COUNCIL FOR DECISION:**

2015-11-007 TOWN OF SOUTH KINGSTOWN/HANG TEN LLC – Reconstruction of revetment. Located at plat 92-2, lot 4 and 92-3, lot 1; 855 and 883 Matunuck Beach Road, South Kingstown, RI.

The applicants identified themselves: Andrew Teitz, Esq. for Town of South Kingstown representing the Town and William Landry, Esq. of Blish and Kavanagh representing Hang Ten, LLC.

Mr. Fugate gave an overview of the application and explained that the applicant had submitted a revised plan in which CRMC staff believed fits into the scope of a maintenance application. Mr. Fugate gave an overview of the history of the project explained that project is on the Town's property to the west of the Ocean Mist. Mr. Fugate explained that the applicant proposed a plan to reconstruct the revetment in

place with a return on the eastern end of that property. Mr. Fugate stated that CRMC staff had worked out the following details with the applicant

- The toe stone of the revetment is being replaced with larger stone which will reduce the amount of repair that will be necessary.
- The existing concrete at the site will be removed and replaced with new stone.
- Stone material being brought in has been reduced.
- Cement on site will be removed and stone will be put in its place
- There will be a Public access requirement that was agreed upon by Town and owner.
- The applicant has agreed to staff stipulation to have an independent review to make sure the new material that will be brought on site will not be more than what is taken away

Mr. Sahagian motioned, based on applicant, for approval of application with standard stipulations,. Vice Chair Lemont seconded the motion. Chair Livingston asked to withdraw second so that the applicant could make their presentation. Vice Chair Lemont withdrew his second.

Mr. Goldman explained that there was an extensive revised staff report marked as part of the record from the last hearing and that the staff report recommended approval.

Mr. Landry gave a presentation on behalf of Hang Ten. Mr. Landry stated that the sheet pile wall approved for the Town would undermine the property of the Ocean Mist. Mr. Landry talked of needing protection for the road, the beach and the village and that it required a combination of structural measures and non-structural measures to accomplish all needs. Mr. Landry talked about certain changes that had occurred since the approval of the Town's request for the sheet pile wall such as the CRMC staff's consideration of the maintenance of Mary Carpenter's wall which had protected the village for many years as well as the Council's promulgation of new experimental measures for this area of the beach. Mr. Landry explained that the changes would make it possible for a continuous line of defense by maintaining Mary Carpenter's wall and then transitioning into experimental soft erosion control measures in separate applications. Mr. Landry explained that Hang Ten and the Town of South Kingstown are no longer in opposition but co-applicants to save the Matunuck area. Mr. Landry stated that there was overwhelming support. Mr. Landry talked about the applicant and the Town working closely with CRMC staff to develop a plan that keeps the maintenance of the seawall within the boundaries of the maintenance regulations. Mr. Landry stated that along with the maintenance of the seawall, public access will be enhanced as well.

Mr. Landry called Russell Morgan to testify who was sworn in identified himself as a professional engineer employed by GZA as the manager of the Providence branch as well as managing the marine engineering sector of the GZA business. Mr. Morgan was qualified as an expert witness. Mr. Morgan testified that the application as presented met the qualifications of a maintenance certificate and that it stayed within the 20% rule of substantiality of increase in shoreline protection structures. Mr. Landry testified that the wall would perform satisfactorily as a stone revetment and would not have an adverse impact on the environmental nor on public access. Mr. Landry stated that the plan included a path across the top of the crest that would tie into the trailer park's walking path to provide access.

Chair Livingston opened the floor for comments.

Comments in favor of the project were heard from:

- Kate Coyne McCoy, Protect Matunuck group
- Mark Furano, Bartender at Ocean Mist

- Terry Moran, President and Owner of McLaughlin Moran Beer Distribution
- Lisa Frazier, resident of Matunuck representing young family demographic
- Steve LaPlante, Matunuck Beach Trailer Association
- Lisa Iwon, Esq, resident of Matunuck
- Gerry Higgins, resident of Matunuck
- Abel Collins, President, Town Council, Town of South Kingstown
- Liz Gledhill, member of South Kingstown Town Council
- Wendy Cafferty Lucas, Resident of Matunuck
- Steve Smith, representing entertainers that play at Ocean Mist

Objectors:

Kendra Beaver, Save The Bay speaking on behalf of objectors, Save The Bay, Surfriders Foundations and the Conservation Law Foundation. Ms. Beaver recognized the concerns of the community, the residents love for their community and the difficulty of the issue. Ms. Beaver spoke of the concern for beach nourishment and the responsibility of the Town and Hang Ten.

Brian Wagner of the Surfrider Foundation stated that they stand behind comments of Save The Bay and that they are not present to block efforts from village safety. Mr. Wagner spoke of their objection to the use of shoreline armoring as the method to save the area.

Mr. Sahagian made a motion to approve based on expert testimony from the engineers, the complete record and the staff's recommendation.

Vice Chair Lemont stated he was proud to second the motion.

Discussion of the Council:

Chair Livingston stated that she was going to vote to approve the application during a very difficult process of the Council trying to protect the environment and save the Ocean Mist and the village of Matunuck.

Mr. Gomez acknowledged the hard work between the applicants and staff and was pleased that the staff stipulations provided for permanent public access and shoreline access as part of the agreement.

Mr. Affigne asked if the motion included staff stipulations and questioned if it also included a ramp down to beach. Mr. Fugate stated that the ramp was necessary to construct and maintain the subsequent experimental shoreline application that would be following this application. Mr. Affigne expressed his concern regarding the public access to the beach from the wall. Mr. Goulet stated that there is no access to the beach from the wall and explains further the need for the ramp. Mr. Fugate stated that what is being proposed is one of several applications and is the first step in the series of applications. Mr. Fugate stated that Mr. Finnegan would be submitting an application to elevate the Ocean Mist structure.

Mr. Lemont moved the question and was seconded by Mr. Sahagian.

Mr. Beaudette asked for clarification of the ramp for construction access. Mr. Fugate stated that the accessway to the beach was not in the application in front of them now and would need a significant alteration in design to accommodate access to beach from the wall.

Chair Livingston asked for a vote.

The motioned carried with six in favor and two in opposition, Mr. Affigne and Mr. Beaudette.

10. **ADJOURN**

Vice Chair Lemont motioned, seconded by Mr. Gomez, to adjourn.

Motion carried on unanimous voice vote. Meeting adjourned at 7:11 p.m.

Respectfully submitted,

Lisa A. Turner
Recording Secretary